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United States District Court  
Eastern District Of California

|                              |   |                               |
|------------------------------|---|-------------------------------|
| Byron Chapman,               | ) | Case No. 2:04-cv-1339 LKK CMK |
|                              | ) |                               |
| Plaintiff,                   | ) | <b>Judgment of Permanent</b>  |
|                              | ) | <b>Injunction</b>             |
| Vs.                          | ) |                               |
|                              | ) | [Fed. R. Civ. P. 65]          |
| Pier 1 Imports (U.S.), Inc., | ) |                               |
|                              | ) |                               |
| Defendants.                  | ) |                               |

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## Judgment of Permanent Injunction

This cause came on to be heard on defendant's motion for summary judgment and plaintiff's cross-motion for summary judgment, the declarations submitted in support of and in opposition to the cross-motions, and oral argument in open court. To ensure that persons with disabilities have the "full and equal enjoyment" of defendant's Vacaville store as stated in the court's June 27, 2012 order denying defendant's motion and granting plaintiff's cross-motion (Dkt. No. 210),<sup>1</sup> and having considered defendant's objections to plaintiff's proposed permanent injunction (Dkt. Nos. 211 & 212), the court hereby permanently enjoins Defendant from violating Title III of the Americans with Disabilities Act and, California's Unruh Civil Rights Act and Disabled Persons Act, as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

Pier 1, its officers, agents, representative, employees and all persons in active concert and participation with them, are **PERMANENTLY ENJOINED** from:

1. Blocking the aisles of its Vacaville store with merchandise or other obstacles, such that the clear path through the aisles is narrower than 36 inches wide (or permitting such blockages), except for the unavoidable transitory blockages caused by re-stocking or similar activities; and


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<sup>1</sup> See also Baughman v. Walt Disney World Company, \_\_\_ F.3d \_\_\_, Slip Op. at 7-9 (9th Cir. July 28, 2012) (confirming that the ADA means what it says when it prohibits facilities from denying persons with disabilities the "full and equal enjoyment" of their facilities).

1                   2.     Cluttering the accessible check-out counter at its  
2 Vacaville store with merchandise or other material that impede the ability of  
3 its disabled customers to use that counter (or permitting such cluttering),  
4 except for the unavoidable transitory clutter resulting from the current use of  
5 that counter to check-out merchandise.

6  
7 IT IS SO ORDERED.

8 DATED: July 20, 2012.  
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12 LAWRENCE K. KARLTON  
13 SENIOR JUDGE  
14 UNITED STATES DISTRICT COURT  
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